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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,432	02/19/2002	Pedro Emilio Rengifo	DN1999205USA	3710

7590 11/04/2003

The Goodyear Tire & Rubber Company  
Patent & Trademark Department  
Department 823  
1144 East Market Street  
Akron, OH 44316-0001

EXAMINER

GOFF II, JOHN L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/069,432

Applicant(s)

RENGIFO ET AL.

Examiner

John L. Goff

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott (U.S. Patent 3,041,661) in view of Peterson (U.S. Patent 2,449,668).

Elliott discloses a process for making a conveyor belt where the edges of the belt are restricted during curing (Column 2, lines 5-24). Elliott teaches a method comprising providing a lay-up of at least two uncured belt layers, applying a restrictive (and removable) material to the longitudinal edges of the lay-up, curing the lay-up to form a belt, and removing the material from the longitudinal edges of the belt (Figures 2 and 3). Elliott teaches applying the restrictive material as a tape such that the edges of the tape are folded over the longitudinal edges of the

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lay-up to form the tape into a u-shape comprising a pair of opposing legs (the distance between the legs being less than the thickness of the uncured laminate), and the tape has an overall configuration corresponding to the configuration of the longitudinal edges of the lay-up (Figures 3 and 4). Elliott teaches the restrictive material may comprise a sheet (film) of metal weave (i.e. lightweight metal mesh/foil), glass fiber, etc. (Column 2, lines 68-72 and Column 3, line 1), and Elliott teaches the material may be provided with adhesive or staples, i.e. small prongs (Column 3, lines 15-19). Elliott is silent as to specifically applying the restrictive material as a preform, i.e. a material with a prefabricated channel, as opposed to folded tape although it is noted Elliott discloses that restrictive preforms are well known in the art (Column 1, lines 51-55). In any event, it would have been well within the purview of one of ordinary skill in the art at the time the invention was made to apply the restrictive material taught by Elliott as a preform or folded tape as both were well known and conventional alternatives for applying a restrictive material to the longitudinal edge of a lay-up as shown for example by Peterson and only the expected results would be achieved, i.e. both techniques would result in applying a restrictive material to the longitudinal edges of the lay-up.

Peterson discloses a process for applying a restrictive material to the longitudinal edges of a lay-up. Peterson teaches applying the restrictive material as preform, i.e. a material with a prefabricated channel, or as a tape that is folded after its application as both application techniques have the same result (Column 5, lines 23-38).

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*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holdsworth (U.S. Patent 3,193,425) and Hilliard (U.S. Patent 3,556,892) disclose using a restrictive (and removable) material to confine the edges of a curable conveyor belt lay-up.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **703-305-7481** (after December 2003 the telephone number will be 571-272-1216). The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John L. Goff



JEFF H. AFTERGUT  
PRIMARY EXAMINE  
GROUP 1300